IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos. : 1946 AND 2062 OF 2005

W.P.NO.1946 OF 2005

Between:

K. Venkataramana, S/o. Rangaiah,
T. Kothapalli (V), Gooty Mandal, Ananthapur District.

..... PETITIONER

AND

1 The Joint Collector, Anantapur, Anantapur District.
2 Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Gooty Mandal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing any orders in stay petition as illegal, arbitrary and consequently set aside the orders of cancellation proceedings of 2nd respondent in Rc.No. D1/CS/1374/2004, dt. 24-1-2005 pending appeal before the 1st respondent suspending the operation of the orders in Rc.No. D1/CS/1374/2004, dt. 24-1-2005 and to pass such other order or orders as this Hon'ble Court may deem fit an proper in the circumstances of the case

W.P.NO. 2062 OF 2005

Between:

A. Brahmananda Reddy S/o Sira Reddy
Peddavaduguru (M) Ananthapur District

..... PETITIONER

AND

1 The Joint Collector, Ananthapur, Ananthapur District
2 The Revenue Divisional Officer, Ananthapur, Ananthapur District
3 The Mandal Revenue Officer, Pedavaduguru Mandal, Ananthapur

District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in not passing any orders in stay petition as illegal, arbitrary and consequently set a side the orders of cancellation proceedings of 2nd respondent in Rc.No. D1/CS/972/2004, dt 02-02-2005 of the 2nd respondent and to pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners in both the writ petitions: MR.K.SRINIVAS

Counsel for the Respondents No.1 to 3 in both the writ petitions:

GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following

COMMON ORDER :

In these two writ petitions, the petitioners are fair price shop dealers. Their authorizations were cancelled by the respective appointing authorities.

Aggrieved thereby, they preferred appeals, together with applications for grant of stay, before the Joint Collector, Ananthapur, the first respondent. The grievance of the petitioners is that the appellate authority has not passed any orders in the stay petitions, and meanwhile alternative arrangements are sought to be made.

Heard the learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

It is not in dispute that the authorizations of the petitioners were cancelled, after following the procedure prescribed under Clause 5(4) of the A.P. State Public Distribution System Control Order, 2001. It is quite uncommon to pass interim orders in the appeals preferred against the orders of cancellation. The only exception is where such orders are passed without issuing a show cause notice or by an authority not vested with the power. Such complaints do not exist in the present cases. The correctness or otherwise of the orders of cancellation needs to be considered at the hearing of the appeals. The interests of the petitioners can be protected by directing that no dealer shall be appointed in their places, on regular basis.

Hence, the writ petitions are disposed of directing the appellate authority, the first respondent, to pass appropriate orders in the appeals preferred by the petitioners, within eight weeks from the date of receipt of a copy of this order. The Revenue Divisional Officer, Ananthapur, the second respondent, shall not appoint any dealer in the place of the petitioners, on regular basis, pending disposal of the appeals. There shall be no order as to costs.

09.02.2005

ksld

To

1 The Joint Collector, Anantapur, Anantapur District.
2 Revenue Divisional Officer, Anantapur, Anantapur District.
3 The Mandal Revenue Officer, Gooty Mandal, Anantapur District.

4 The Mandal Revenue Officer, Pedavaduguru Mandal, Ananthapur

district.

5 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT)

6 Two CD copies.